

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 4:04CR3127
)
)
Plaintiff,)
)
vs.) **MEMORANDUM**
) **AND ORDER**
MICHAEL THEODORE ROUX,)
)
)
Defendant.)

On the oral motion of the government, and with the agreement of the defendant,

IT IS ORDERED that:

- (1) The hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 61) has been reset before the undersigned United States district judge to Tuesday, December 19, 2006, at 4:45 p.m., in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- (2) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.
- (3) The Marshal is directed not to return the defendant to the district.
- (4) The defendant is held to have waived his right to be present.

December 6, 2006.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge